

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARK T. REEVES, DECEASED, BY	:	
MARGUERITE ASHLEY,	:	CIVIL NO: 4:11-CV-02313
	:	
Plaintiff	:	
	:	(Judge Conner)
v.	:	
	:	(Magistrate Judge Smyser)
SCI COAL TOWNSHIP,	:	
	:	
Defendant	:	

REPORT AND RECOMMENDATION

The plaintiff Marguerite Ashley began this action by filing a complaint and paying the filing fee. She is the mother of Mark T. Reeves, who is deceased. She alleges that her son was found dead in December of 2009 at SCI-Coal Township. Although Mark's death was ruled an apparent suicide, the plaintiff questions whether he in fact committed suicide. She asks the court to investigate.

The court does not conduct investigations. Thus, the plaintiff cannot obtain the relief that she is seeking.

Further, the only entity named as a defendant is SCI-Coal Township. But as part of a state agency, SCI-Coal Township is entitled to Eleventh Amendment immunity.

Also, the plaintiff has not alleged that she has been named Executrix or personal representative of her son's estate. So, she has not alleged facts from which it can reasonably be inferred that she has a right to bring an action on behalf of her son's estate.

We granted the plaintiff leave to amend to attempt to state a claim upon which relief can be granted. To guide the plaintiff should she decide to file an amended complaint, we set forth the pleading standards for an amended complaint as well as some basic law applicable to 42 U.S.C. § 1983 actions.

The plaintiff was granted leave to file an amended complaint on or before January 31, 2012. She was warned that if she were to fail to file an amended complaint, we would recommend that the complaint be dismissed and the case file closed.

The plaintiff has not filed an amended complaint.

Based on the foregoing, it is recommended that the complaint be dismissed and that the case file be closed.

/s/ J. Andrew Smyser
J. Andrew Smyser
Magistrate Judge

Dated: February 9, 2012.